Ute Indians get voting rights for first Time in coming county, state elections

by June Cook

A new law enacted by the 1957 State Legislature, now permits Indians and citizens living on Indian or military reservations the right to register and vote in Utah elections on the same basis as other citizens residing off Indian reservations.

This new law was made effective when Preston Allen, a member of the Ute Indian Tribe requested an absentee ballot from the County Clerk of Duchesne County. Mr. Allen was refused the ballot for the heason that he stated "he lived on an Indian reservation in Utah and did not establish a residence in any other precinct in the State prior to this time." The County Clerk stated that he intended to deny Mr. Allen and other Indians similarly situated the right to register and vote in the general elections of that year and other future elections because of a statuatory definition of "resident" as a qualification to vote as contained in our election laws, which reads:

"Any person living upon any Indian or Military reservation shall not be deemed a resident of Utah within the meaning of this chapter, (Election; Registration) unless such person had acquired a residence in some county in Utah prior to taking up his residence upon such Indian or Military reservation."

Action Brought

On September 21, 1956 Mr. Allen brought an original action in the Supreme Court of the State of Utah, seeking a mandatory order restraining the County Clerk from applying above statute so as to deny Mr. Allen and other American Indians similarly sistuated a right to vote for the sole reason that they are American Indians, reside on an Indian reservation, or have never resided elsewhere in the State of Utah.

In a democracy sufferage is a most basis civil right, since its exercise is the chief means whereby other rights may be safeguarded. The public importance of our Indian citizens having a right to vote, unimpeded by unequal classification and denials on accout of race or color, is demonstrated by the fact that all states except Utah allowed Indians, whether residing on Indian reservations or not, to vote.

The 32nd Legislature of the State of Utah has enacted and the Governor of Utah has approved the House Bill which has now become law & amends Sec. 20_2-14, UCA, 1953. The Utah Legislature has eliminated subsection 11 which required that residents of Indian and Military reservations first acquire residence off such reservations. The said parties have entered into a stipulation that by reason of such amendment Indians residing on Indian reservations in Utah, whether or not they have previously established a residence elsewhere in the State, are entitled to vote in Utah elections on the same basis as other citizens residing off Indian reservations, if they meet all Utah voting requirements other than residence, and that under the amendment the fact that an Indian resides on a reservation is no bar to his voting.

Since this is an election year for our State and County elections, the Tribal leaders and the citizens of Uintah and Duchesne Counties should help the Indians and encourage them to register and vote. This is all new to the Indian people, and is the first step for them towards their statehood rights when they will one day face termination and know the importance of voting.